



1762  
PFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors : Blankenship, Phillip B., et al.  
Serial No. : 09/893,314  
Filing Date : June 27, 2001  
Title : METHOD FOR SELECTING AN ASPHALT  
MIXTURE FOR MAKING AN INTERLAYER AND  
METHOD OF MAKING AN INTERLAYER

Group/Art Unit : 1762  
Examiner : Eric B. Fuller  
Confirmation No. : 2106

Atty. Docket No. : 506422.0047

**SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(c), the information listed below and on the attached Form PTO/SB/08A (Substitute for Form 1449-A-B/PTO) is being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Submission of this information is not an admission that the information constitutes prior art.

10/04/2004 ZJUHA1 00000017 09893314

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**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: September 28 2004

Signature: Jessica V. Barnard

Printed Name: JESSICA V. BARNARD

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

## **INFORMATION**

Applicants wish to advise the Examiner that an interlayer was constructed and placed on a roadway near San Jose, Illinois in 1998. This interlayer had a flexural beam fatigue of 26,138 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 18.4 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicants received money for placing this interlayer.

Applicants wish to advise the Examiner that an interlayer was constructed and placed on a roadway near St. Joseph, Missouri in 1998. This interlayer had a flexural beam fatigue of 66,932 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 18.1 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicants received money for placing this interlayer.

Applicants wish to advise the Examiner that another interlayer was constructed and placed on a roadway near San Jose, Illinois in 1998. This interlayer had a flexural beam fatigue of 138,775 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 15.5 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicants received money for placing this interlayer.

Applicants wish to advise the Examiner that an interlayer was constructed and placed on a roadway in Orange, Texas in 1999. This project included Section 1 and Section 2. Section 1 interlayer had a flexural beam fatigue of 894,786 cycles at 2000 microstrain, 20°C, and 10 Hz and a Hveem stability of 14.1 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicant received money for placing this interlayer. Section 2 interlayer had a flexural beam fatigue of 672,381 cycles at 2000 microstrain, 20°C, and 10 Hz and a Hveem stability of 16.4 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicants received money for placing this interlayer.

Applicants respectfully request that this information be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed information.

This information disclosure statement is being filed after the mailing of a first Office Action on the merits, but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application.

Enclosed is a check in the amount of \$180.00 to cover the fee set forth in 37 C.F.R. § 1.17(p).

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: *Susan W. Bell*

Susan Wharton Bell, Reg. No. 41,524  
STINSON MORRISON HECKER LLP  
1201 Walnut, Suite 2800  
Kansas City, MO 64106-2150  
Telephone: (816) 842-8600  
Facsimile: (816) 691-3495

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Substitute for Form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number:	09/893,314
				Filing Date:	June 27, 2001
				First Named Inventor:	Blankenship et al.
				Group Art Unit:	1762
				Examiner Name:	Eric B. Fuller
Sheet	1	of	2	Attorney Docket Number:	506422.0047

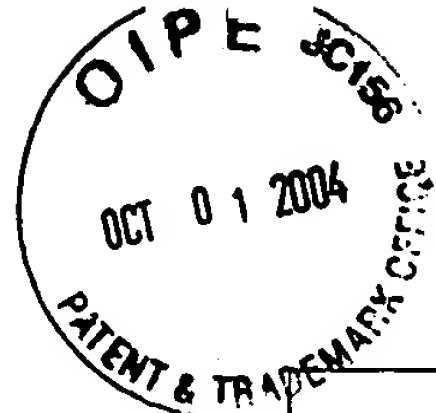
[illegible][illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



<b>Substitute for Form 1449B/PTO (Modified)</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				<b>Application Number:</b>	09/893,314
				<b>Filing Date:</b>	June 27, 2001
				<b>First Named Inventor:</b>	Blankenship et al.
				<b>Group Art Unit:</b>	1762
				<b>Examiner Name:</b>	Eric B. Fuller
<b>Sheet</b>	2	<b>of</b>	2	<b>Attorney Docket Number:</b>	506422.0047

<b>OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS AND INFORMATION</b>			
<b>Examiner Initials*</b>	<b>Cite No.<sup>1</sup></b>	<b>Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published</b>	<b>T<sup>2</sup></b>
		An interlayer was constructed and placed on a roadway near San Jose, Illinois in 1998. This interlayer had a flexural beam fatigue of 26,138 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 18.4 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicants received money for placing this interlayer.	
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		Another interlayer was constructed and placed on a roadway near San Jose, Illinois in 1998. This interlayer had a flexural beam fatigue of 138,775 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 15.5 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicants received money for placing this interlayer.	
		An interlayer was constructed and placed on a roadway in Orange, Texas in 1999. This project included Section 1 and Section 2. Section 1 interlayer had a flexural beam fatigue of 894,786 cycles at 2000 microstrain, 20°C, and 10 Hz and a Hveem stability of 14.1 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicant received money for placing this interlayer. Section 2 interlayer had a flexural beam fatigue of 672,381 cycles at 2000 microstrain, 20°C, and 10 Hz and a Hveem stability of 16.4 at 60°C and 50 gyrations. These properties of the interlayer were measured after the interlayer was placed on the roadway. Applicants received money for placing this interlayer.	

<b>Examiner Signature</b>		<b>Date Considered</b>	
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